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BACKGROUND PAPER

**POST-SEPARATION
VISITATION DISPUTES:
DIFFERENTIAL INTERVENTIONS**

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Post-Separation Visitation Disputes: Differential Interventions

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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iii
EXECUTIVE SUMMARY	v
INTRODUCTION	1
BACKGROUND	1
PROFESSIONAL AND PUBLIC CONCERN ABOUT THE CHILDREN OF DIVORCE.....	1
RATIONALE OF STUDY	2
OVERVIEW AND CRITIQUE OF THE LITERATURE: CHILD CUSTODY EVALUATIONS	2
RESEARCH SETTING: THE OFFICE OF THE CHILDREN’S LAWYER FOR ONTARIO	4
METHODOLOGY AND DESIGN	5
RESEARCH QUESTIONS	5
SUBJECTS	6
MEASURES	6
RESULTS: DESCRIPTIVE ANALYSIS OF THE PARENTS AND CHILD	8
SOCIAL WORK CHARACTERISTICS	10
ACCESS ARRANGEMENTS REPORTED BY PARENTS.....	10
SATISFACTION WITH SERVICE AS REPORTED BY PARENTS.....	11
RESEARCH HYPOTHESES	12
DISCUSSION	16
LIMITATIONS OF CURRENT STUDY.....	18

CONCLUSION.....	18
REFERENCES	19
APPENDIX 1: INFORMATION FOR PARENTS	25
APPENDIX 2: CHILD BEHAVIOUR CHECKLIST FOR AGES 4-18 TEACHER’S RATING FORM FOR AGES 5-18.....	31
APPENDIX 3: AHRONS COMMUNICATION FORM	37
APPENDIX 4: INTERVIEW SCHEDULE.....	41
APPENDIX 5: FIDELITY CHECKLIST.....	49
APPENDIX 6: INFORMATION MANUAL	57
APPENDIX 7: CHILDREN’S LAWYER INTAKE FORM.....	69

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EXECUTIVE SUMMARY

Visitation is a highly contentious issue in separation and divorce. When it is brought before the court for resolution, mental health professionals are engaged to provide “evidence” for a recommendation. The process by which evidence is obtained during the evaluation is referred to as the “custody and access assessment.” There is little evidence regarding the efficacy of this process. Subsequently, little is known about the outcomes for children and families involved in this process.

The purpose of this study was to explore and examine the process and outcomes of different types of interventions in visitation disputes before the court using inclusion/exclusion criteria. High conflict families who continue to litigate over their children and have poor communication skills are often not suited to mediation services or the traditional custody/access assessment. These families require an intervention that offers more direct input in exploring their problem-solving abilities to help them refocus on their children rather than their past differences. An approach which offers to reduce court intervention and delays for children, which focusses less on past history of the parties and more on future problem-solving, would make more practical and theoretical sense.

Findings indicate that overall there were no group differences in settlement rates, satisfaction mean scores, level of communication, and children’s adjustment following their parents’ separation between the focussed (solution-oriented) intervention and the traditional child custody/access intervention. Parents did report that the focussed evaluation intervention was able to help reframe the conflict between the parents towards more problem-solving between them. The results of the analysis suggest that helping high conflict parents develop skills for exchanging child-related information and less conflictual patterns of communication is important.

It is interesting to note the moderate correlation between maternal and paternal ratings of the child’s overall behaviour at Time 2. More than 80 percent of mothers had custody of the child, and yet fathers were generally attuned to their child’s behaviour. This suggests that both parents may have already been more focussed on their child, notwithstanding their individual differences. More importantly, it suggests that father’s are an equally important and necessary informant about their children. This might explain the increase in the number of days of access per month of father to child as recommended by the social worker.

Despite some limitations to the study (small sample size, services provided in a publicly funded office), the results appear to suggest potential for further research with the focussed evaluation intervention using the inclusion/exclusion criteria.

From a resource point of view, the inclusion/exclusion criteria facilitated the identification of children and families who might benefit from a shorter and solution-oriented approach in a timely and cost effective manner. This has significant policy implications for future directions with respect to advocating on behalf of children’s interests. Being able to capture a larger client pool with a range of services allows for more active intervention by the Children’s Lawyer and a stronger child-focussed approach to family law, as suggested by the recent Special Joint Committee on Child Custody and Access report *For the Sake of the Children* (1998).

INTRODUCTION

Visitation is a highly contentious issue in separation and divorce. When it is brought before the court for resolution, mental health professionals are engaged to provide “evidence” for a recommendation. The process by which evidence is obtained during the evaluation is referred to as the “custody and access assessment.” There is little evidence regarding the efficacy of this process. Subsequently, little is known about the outcomes for children and families involved in this process. The purpose of this study was to explore and examine the process and outcomes of different types of interventions in visitation disputes before the court.

BACKGROUND

The number of children challenged by the process of separation and divorce is growing. In 1997, Statistics Canada reported that approximately 50,000 children experienced parental separation and divorce annually. However, these figures exclude children of separated couples or dissolved common law unions. Findings from the National Longitudinal Survey of Children and Youth (1995) demonstrated that between 1991 and 1994, the number of children living with a lone parent increased 19 percent to just under 1.8 million.¹

The same conclusion can be drawn from population-based studies in the United States, Britain and Australia. For example, in the United States, the number of children affected by their parents’ divorce varied between 1 and 1.2 million during the years from 1972 to 1990. Of the children involved, 16.8 per 1,000 were under the age of 18.² In England and Wales, the number of divorces doubled over the last two decades and 25 percent of children under the age of 16 will experience their parents’ divorce in any given year (Walker and Hornick, 1996). In Australia, 51,742 children under the age of 18 experienced the divorce of their parents in 1997 (Strategic Partners Pty, 1998).

PROFESSIONAL AND PUBLIC CONCERN ABOUT THE CHILDREN OF DIVORCE

The large number of children affected by parental separation and/or divorce has attracted worldwide attention from the practice, research and policy communities concerned with the physical, emotional and academic sequelae of separation and/or divorce (Amato and Keith, 1991; Birnbaum and Radovanovic, 1999).

When the child support guidelines were introduced in Canada, and passed into law in 1997, a Special Joint Committee was appointed to look at custody and access issues related to the *Divorce Act, 1985*. The overall goal of this Committee was to examine ways to ensure more positive outcomes for children whose parents are separating and divorcing. Specifically, the committee’s terms of reference outlined the following objectives:

¹ Conway, J.F. (1997, p. 31), reports that in the 1980s, single parent families were estimated at 871,000. In the 1990s the figure rose to 955,000, and further estimates into the next millennium for the year 2011 are 1.5 million.

² *Monthly Vital Statistics Report, Vol. 43, No. 9*, March 1995, U.S. Department of Health and Human Resources.

That a Special Joint Committee of the Senate and the House of Commons be appointed to examine and analyze issues relating to custody and access arrangements after separation and divorce, and in particular, to assess the need for a more child centered approach to family law policies and practices that would emphasize joint parental responsibilities and child-focussed parenting arrangements based on children's needs and best interests.³

The Committee made 48 recommendations. One significant recommendation addressed the need for a more child-centred collaborative approach in which children's views and opinions would be legally represented. The impetus for a more child-centred approach to family law was based on evidence from empirical research demonstrating that after divorce there was continued parental conflict, parental stress, and unpredictability in post-separation parenting arrangements, causing significant risks to the well-being of children (Emery, 1989; Johnston and Roseby, 1997; Kelly, 1997). Given the number of children involved in separation/divorce and the potential for negative long-term consequences, this represents a landmark effort on the part of Canada's Parliament to examine children's interests in a comprehensive manner.

RATIONALE OF STUDY

High conflict families that continue to litigate over their children and have poor communication skills are often not suited to mediation or the traditional custody/access assessment. These families require an intervention that offers more direct input in exploring their problem-solving abilities to help them focus on their children rather than their past differences. The Office of the Children's Lawyer undertook a research project to examine two types of interventions with the high conflict families (focussed vs traditional evaluations) in access disputes before the court. Specifically, the data suggest that briefer, more solution-oriented approaches are as effective or more effective than the extensive traditional child custody evaluations that focussed on gathering "evidence." Additionally, an approach that offers to reduce court intervention and delays for children, and that focusses less on the past history of the parties and more on future problem-solving, would make more practical and theoretical sense.

OVERVIEW AND CRITIQUE OF THE LITERATURE: CHILD CUSTODY EVALUATIONS

Present research data from the United States indicate that about 20 percent of separated and divorcing families (often referred to as "high conflict" families) turn to the courts to resolve their family disputes (Johnston and Roseby, 1997; Maccoby and Mnookin, 1992). Judges seek assistance from mental health professionals⁴ for information about parent-child interactions and relationships in custody and access cases (Ash and Guyer, 1984, Austin and Jaffe, 1990).

³ The Honourable Landon Pearson and Roger Galloway, M.P. (1998). Report of the Special Joint Committee on Child Custody and Access, *For the Sake of the Children*, Parliament of Canada, p.1.

⁴ "Mental health professional" is being used synonymously with social work custody/access evaluators. While each discipline (social work, psychology, psychiatry) utilizes different methods to conduct child custody assessments, this paper focusses exclusively on social workers conducting custody and access evaluations in a publicly funded service. In the United States, another term often used is forensic evaluators.

Bala and Miklas (1993) have suggested that mental health professionals who carry out child custody and access assessments are often viewed as having a quasi-judicial function in resolving these disputes before the court. Fineman (1991) argues that “social workers are moving from a supplemental role to the role of substitute decision-maker, displacing guardians ad litem and, ultimately, replacing judges as the final arbiters of child custody.”⁵ Ash and Guyer (1984) and Johnston (1994) have reported that the courts follow the recommendations of a mental health professional for at least 92 percent of the time in North America.

Traditional child custody evaluations have involved the assessment of each parent and their history, the quality of the parent-child dyad, and the child’s functioning and perceptions (Birnbaum and Radovanovic, 1999). A report is written to the court recommending a custodial and/or access arrangement that best meets the emotional, physical and financial needs of the children. Traditional child custody evaluations have paralleled the traditional adversarial approach pitting one parent against the other under the legal umbrella of the “best interests test.” The courts and evaluators appreciate that the traditional child custody evaluation has been both time consuming and costly for children and families, i.e. financially and emotionally draining (Birnbaum and Radovanovic, 1999).

There continues to be a paucity of research supporting the efficacy of the intervention methods used to make recommendations and what, if any, are the long-term outcomes for children and families involved in these disputes before the court (Gould, 1998; Hysjulien, Wood and Benjamin, 1994; Simons, Grossman and Weiner, 1990; Weissman, 1991). Many of these studies report results from retrospective data with small sample sizes and have no comparison groups (Ash and Guyer, 1984, 1986a, 1986b; Austin and Jaffe, 1990; Birnbaum and Radovanovic, 1999; Jaffe and Cameron, 1984; Leverette et al., 1997; Radovanovic et al., 1994; Simons et al., 1990).

A plethora of textbooks continue to be written by various North American authors from different professional backgrounds on how to conduct child custody and access evaluations (Ackerman, 1995; Bricklin, 1995; Galatzer-Levy and Kraus, 1999; Gould, 1998; Hodges, 1986; Leonoff and Montague, 1996; Melton et al., 1987; Plumb and Lindley, 1990; Schutz et al., 1989; Skafte, 1985; Stahl, 1994, 1999).

Mental health professionals conducting child custody and access evaluations have largely remained unresponsive to the different needs of families (Austin and Jaffe, 1990; Birnbaum and Radovanovic, 1999). This is due in part to the court’s need to gather “evidence” rather than adapt to the individual needs of children and families (Birnbaum et al., forthcoming; Gould, 1999).

Much has been written about the negative effects of the adversarial system on families and children. Johnston and Roseby (1997) argue that child custody evaluators are partly responsible for the ongoing acrimony between parents, because the evaluators make recommendations that in the end blame one parent or the other for all the problems. Ash and Guyer (1986b) and Hauser and Straus (1991) found in their follow-up studies that parents who had undergone child custody evaluations

⁵ Fineman, M. (1991). *The illusion of equality: The rhetoric and reality of divorce reform*. University of Chicago Press, p. 89.

were twice as likely to re-litigate issues of custody and access of their children than those who settled on their own.

Given these limitations, the study was established to explore the kinds of differences, if any, that could be found in outcomes using two different types of interventions (solution oriented versus the traditional history gathering methods).

RESEARCH SETTING: THE OFFICE OF THE CHILDREN'S LAWYER FOR ONTARIO

The Office of the Children's Lawyer is an independent law office within Ontario's Ministry of the Attorney General. The Children's Lawyer represents the interests of children before the court in custody and access matters, child welfare proceedings, and civil litigation and estate matters. The Office is comprised of both lawyers and social workers.

The Children's Lawyer only becomes involved in children's cases when authorized to do so by a court order. Involvement in child protection cases is mandatory when ordered. Involvement in custody and access cases is discretionary. When the Children's Lawyer consents to becoming involved in custody and access cases, the form of intervention may be legal representation by a lawyer, or a report prepared and filed in court by a social worker, or an issue-focussed legal representation or social work report, or the deployment of both a lawyer and a social worker who work together as a team.

In custody and access matters, the goal of the lawyers is to independently represent children's legal interests before the court and to assist the adult parties in resolving their dispute in the interests of the children. The Office of the Children's Lawyer has defined the role of child's counsel as *the child's legal representative*, which includes acting as advocate for the child client so that the child's interests are understood and communicated to the parties and to the court. Child's counsel does not represent the best interests of the child, because that is the issue to be decided by the court.

Social workers employed by the Children's Lawyer either provide a Report of the Children's Lawyer (a social worker's evaluation of each parent's ability to provide for custody and care of the child), or they team up with a lawyer retained by the Children's Lawyer to act as legal representative. The collaboration of lawyers and social workers in the custody and access arena has evolved from a recognition of the limitations of practicing independently, to the active teaming of both groups by training together and seeking out one another for professional consultation and advice. The benefit to lawyers is that they can be more innovative and creative in problem solving. The benefit to social workers is that there is an understanding of how the clinical evaluation "fits" together with the process of the court and of the legal remedies available to the court. The collaborative approach for children and families allows the professionals to address multiple objectives in the process of advocacy for the child, and provides an independent source of information about a child's needs and circumstances.

METHODOLOGY AND DESIGN

The exploratory study took place at the Office of the Children's Lawyer from January 1999 to December 1999. The sample included families who experienced visitation or access problems with either parent and had been court ordered to attend for a social work investigation and report. After meeting inclusion/exclusion intake criteria,⁶ they were randomly selected to receive either a traditional social work report (parental history, child history, allegations of each parent) or a focussed intervention (active creation of solutions to the difficulties, less emphasis on past history). Each parent received a Parent Information Letter and Consent Form in the mail outlining the nature of the study and their voluntary status in it (Appendix 1). They were requested to fill out questionnaires before (Time 1) and after (Time 2) the delivery of service. If parents chose not to participate in the study, they were assured that they would receive service from the Office.

RESEARCH QUESTIONS

The overall questions in this study addressed the association between types of child custody evaluations (focussed and traditional) and parental satisfaction, level of communication, children's level of adjustment, and settlement. Settlement was operationalized by whether or not parents settled their dispute before the court (Ash and Guyer, 1984; Austin and Jaffe, 1990; Radovanovic et al., 1994; Simons, Grossman and Weiner, 1990). Satisfaction was operationalized by a five-point Likert scale (rated from very unsatisfied to very satisfied) concerning the satisfaction with the social worker's attitude towards the dispute, concerns listened to, thoroughness of the intervention, length of time the intervention took, and the report's recommendations (Austin and Jaffe, 1990; Radovanovic et al., 1994).

The null and the research hypotheses in this study were the same. All hypotheses generated were evaluated using two-tailed t-tests. The four research hypotheses examined were:

- 1) H_0 = There will be no differences found between the focussed and traditional child custody evaluations with respect to *settlement*.

H_1 = There will be differences found between the focussed and traditional child custody evaluations with respect to *settlement*.

- 2) H_0 = There will be no differences found between the focussed and traditional child custody evaluations with respect to parents' *satisfaction mean scores*.

H_1 = There will be differences found between the focussed and traditional child custody evaluations with respect to parents' *satisfaction mean scores*.

⁶ The families were only disputing difficulties with visitation. More serious concerns such as emotional/physical abuse allegations or concerns about the child being alienated from one parent or the other were not included in these cases.

3) H_0 = There will be no differences found between the focussed and traditional child custody evaluations with respect to the *level of communication*.

H_1 = There will be differences found between the focussed and traditional child custody evaluations with respect to the *level of communication*.

4) H_0 = There will be no differences found between the focussed and traditional child custody evaluations with respect to *children's adjustment post separation mean scores*.

H_1 = There will be differences found between the focussed and traditional child custody evaluations with respect to *children's adjustment post separation mean scores*.

SUBJECTS

The sample was comprised of families that were disputing access arrangements before the court. Specifically, the families were recruited from Toronto, Ottawa, the Regional Municipalities of Peel and Durham, and Simcoe County in the province of Ontario. A random sample of 110 pairs of separated and/or divorced biological parents who met the inclusion/exclusion criteria between January 1999 and December 1999, and who had at least one child between the age of five and sixteen years of age were selected. Where there was more than one child in the family, only the eldest child was chosen to ensure independence of observations. Of the 110 pairs of biological parents who agreed to participate in the study, 16 withdrew for the following reasons:

- 1) five families settled the dispute before the intervention began;
- 2) five families had issues that required further investigation by child welfare authorities, which violated the inclusion criteria;
- 3) three families withdrew their dispute before the court;
- 4) the father in one family moved to another province;
- 5) the father in another family was unable to understand the questionnaires; and
- 6) the mother's lawyer refused to have her client participate and the father, who had no independent legal representation, agreed with the mother.

MEASURES

The relationships between children's level of adjustment, degree of parental communication, satisfaction with the service, and settlement, were investigated by a number of instruments (both standardized and exploratory) as well as a review of court records. Given that results obtained from different informants are not consistent, (Johnston, 1994; Offord et al., 1996; Twaite, Silitsky and Luchow, 1998), multiple informants were used to provide data.

The following section describes the measures used at baseline (Time 1) and follow-up (Time 2).

1) Child Behavior Checklist: Parent and Teacher Rating Form (Appendix 2)

Children's adjustment was measured by using the Child Behavior Checklist (CBCL; Achenbach, 1979; Achenbach and Edelbrock, 1979 and 1983). The CBCL is a widely used instrument that invites the informant to respond to 113 questions regarding the frequency and the severity of symptoms that their child has exhibited over the past six months. This scale has established norms according to age group and gender of the child. The questionnaire yields nine subscales. When specific subscales are combined, they yield T-scores that reflect the child's total behaviour, internalizing behaviour (withdrawn, somatic complaints, anxiety and depression), externalizing behaviour (aggression and delinquency, such as fire setting, lying) and social competence (activities, social and school). The higher the score, the more problematic the behaviour. Both the custodial and non-custodial parent filled in this form.

With respect to child adjustment at school, the Teacher Report Form (TRF; Achenbach and Edelbrock, 1986) of the CBCL was also used. This is a checklist of 113 types of behaviour, similar in form to the parents' version. The child's teacher completed the TRF, based on the child's behaviour in the classroom during the previous two months.⁷

2) Ahrons Communication Form (Appendix 3)

This scale assessed parental level of communication with respect to child-rearing obligations and responsibilities (Ahrons, 1981). This is a 10-item questionnaire scale designed to assess the parents' perception of interactions between the custodial and noncustodial parent in relation to child-rearing issues and responsibilities. The psychometric properties for this scale are .93 for women and .92 for men, indicating a high degree of overall consistency.

3) Satisfaction Interview (Appendix 4)

A follow-up satisfaction questionnaire was used at Time 2 and consisted of the following questions: satisfaction with current parenting arrangements, level of parental conflict and cooperation, satisfaction with the service (focussed vs traditional) on a scale of 1 to 5. Many of the questions incorporated in this structured interview had been used in previous studies of disputing parents (Austin and Jaffe, 1992; Birnbaum and Radovanovic, 1999; Radovanovic et al., 1990). The satisfaction scale exhibits high internal consistency (.90) (Austin and Jaffe, 1990).

4) Treatment Fidelity Checklist (Appendix 5)

Evidence regarding the fidelity of the intervention is a methodological challenge. The absence of such evidence weakens the findings of clinical intervention studies (Moncher and Prinz, 1991; Kazdin 1986, 1994). There are two types of treatment fidelity. The first type refers to the degree to which a treatment condition has been implemented as it was intended. The second type refers to treatment differentiation; that is, the degree to which the treatment conditions differ from one another so that the manipulation of the independent variable occurs as planned. Child custody evaluations are not considered "treatment" or "therapy." However, there is an educational

⁷ Due to the summer holidays, a different teacher sometimes filled out the Time 2 form. This was usually carried out with the assistance of the previous teacher. If the child changed schools, another teacher filled out the form based on the child's behaviour that they observed for the last two months.

component to helping parents understand the impact of conflict upon their children (Johnston, 1994). Presently there is no literature that addresses treatment fidelity with respect to child custody evaluations. Therefore, in order to minimize the implications with respect to internal validity and external validity problems, a number of steps were followed as suggested in the literature (Kazdin, 1986). The first step in this study was to develop a manual for social workers that outlined the two interventions and provided detailed information regarding the processes and procedures to follow when conducting either the focussed or traditional evaluation (Appendix 6). Second, every two months a meeting was held with the social workers who conducted the evaluations (each social worker carried out both interventions) in order to address any problems and concerns they had about implementing the interventions in the form in which they were intended (Kazdin, 1986). Third, two 10-item questionnaires were developed addressing process-related components of the two interventions (focussed vs traditional) that each parent and social worker completed. This allowed a further check to ascertain the extent to which each parent received the intended intervention and that each social worker adhered to that particular intervention. The exploratory questions contained in these questionnaires were developed using a qualitative technique referred to as the Delphi technique (Dalkey, 1972).

Three Delphi panelists were selected according to their knowledge and expertise in the field of child custody evaluations. One expert was a psychologist and the other two experts were social workers who had worked in the field of separation and divorce for more than twenty years. Each expert returned the questions until opinion consensus was reached on all 40 questions.

5) Children's Lawyer Intake Questionnaire (Appendix 7)

Demographic information was collected from the Children's Lawyer Intake Form, which is used to determine whether the Office accepts the case before the court. In the majority of cases, both parents filled out the intake form. The form requests information about the parents' age, income, the age and gender of the child, the length of time since the separation, the length of the relationship, ethnicity, and concerns that each parent has about the other with respect to child-rearing and child-care responsibilities. The Hollingshead Four Factor Index of Social Status was used to estimate the socio-economic status of each parent by combining education and occupation (Hollingshead, 1975; Hollingshead and Redlich, 1958).

RESULTS: DESCRIPTIVE ANALYSIS OF THE PARENTS AND CHILD

The sample was comprised of 94 biological mothers and 94 biological fathers. The age distribution of this sample was between 20 and 56 years. The mean age of mothers was 32.81 (SD= 6.33) and the mean age of fathers was 34.98 (SD= 6.54). The age difference between mothers and fathers was statistically significant, $t(87)=-3.83$, $p<.05$. The majority of parents were born in Canada (65 percent), while 35 percent came from different backgrounds (Asian, West Indian and European).

The mean income level of mothers was \$22,701.25 (SD=\$17,499.51) and the mean income level of fathers was \$27,164.31 (SD=\$18,187.65). The difference in mean income level between mothers and fathers was statistically significant, $t(42)=-1.74$, $p<.05$. These figures are similar to

the Canadian national average of \$22,493 for females with single children under the age of 18 years and \$31, 670 for males with single children under the age of 18 years (Statistics Canada, 1997).

There were a total of 92 children in the sample. The age distribution was between 5 and 16 years. The overall mean age of the child was 7.51 (SD=2.63). There were 45 boys with a mean age of 7.42 (SD=3.05) and 47 girls with a mean age 7.60 (SD=2.19).

Table 1: Socio-economic status by parents' gender

	Mother		Father		Total	
	%	N	%	N	%	N
Unskilled labourers, menial service workers	11.7	11	12.7	12	24.4	23
Machine operators, semi-skilled workers	55.3	52	48.9	46	104.2	98
Skilled craftsmen, clerical, sales workers	14.8	14	15.9	15	30.7	29
Medium business, minor, professional, technical	7.4	7	6.4	6	13.8	13
Major business and professional	3.1	3	5.3	5	8.4	8

Table 1 illustrates that the majority of custodial mothers' and non-custodial fathers' socio-economic status (combined education and employment) ranged from machine operators and semi-skilled workers (55 percent and 50 percent, Hollingshead level 4) to skilled craftsmen, clerical and sales workers (15 percent and 16 percent, Hollingshead level 3) to unskilled labourers and menial service workers (12 percent and 13 percent, Hollingshead level 5). Twenty-one percent of the parents had a college or university education. Mothers were employed 60 percent of the time and were supplemented by family benefits or a student loan. Fathers were employed 70 percent of the time and were being supplemented by family benefits and/or workers compensation. A lawyer represented 88 percent of mothers and 90 percent of fathers at the time of their dispute.

The parents were in a relationship for an average of five years. The majority of these parents were involved in either a common-law relationship, had dated for a few weeks and/or were boyfriend/girlfriend (77 percent). Twenty-three percent of the parents were married. They had been separated from each other for more than four years and reported that they had been previously involved in the court system for more than 3 years. The majority of the parents had only one child from their relationship (57 percent). Thirty-two percent had two children and 11 percent had three children in their relationship. This compares to the Canadian national average number of children in lone-parent families of 2.5 children (Statistics Canada, 1998).

Mothers had sole custody of their child 86 percent of the time, fathers had sole custody 12 percent of the time, and each shared joint custody 2 percent of the time. These figures are comparable to the Canadian divorce figures with regard to children in the sole custody of their

mothers 85 percent of the time, as well as to the research literature (Austin and Jaffe, 1990; Johnston, 1994; Radovanovic et al., 1994; Statistics Canada, 1998).

Table 2: Concerns raised by each parent about the other regarding their child (N=94)

	Mother	Father
	%	%
Neglect	8	4
Physical abuse	8	12
Sexual abuse	5	2
Other concerns ⁸	15	8
Violence toward child	35	8
Child often heard parents fighting	42	27

Table 2 presents a number of allegations each parent raised against the other with respect to the care of the child and the level of conflict the child had been exposed to. Eighty-four percent of mothers reported that they experienced violence and/or abuse in their relationship and 36 percent of fathers reported that there was violence and/or abuse in their relationship.

SOCIAL WORK CHARACTERISTICS

There were 20 social workers who carried out both the focussed and traditional child custody evaluation. There were 3 male social workers and 17 female social workers. The mean age of the social workers was 45 years (SD=7.72) with a mean of 6.91 years of experience (SD=4.85). Social workers who conducted a focussed evaluation worked with the family for an average of 15 hours (SD=5.42), while those who conducted a traditional evaluation worked with the family for an average of 31.74 hours (SD=7.65).

There were no significant correlations between the age of social workers, their years of experience, the type of intervention or the number of hours of the intervention and settlement. The average cost of each evaluation was \$525.00 for a focussed evaluation and \$1,111.25 for a traditional evaluation.

ACCESS ARRANGEMENTS REPORTED BY PARENTS

Both parents reported an increase in the number of days per month that the non-custodial parent (typically the father) visited with the child after the evaluation interventions. The most frequent visitation arrangement was every other week (increase of 48 percent) compared to weekly at 22 percent. Both parents reported 64 percent of the time that access was more regular after the involvement of the Children's Lawyer. Sixty-three percent of the parents reported that the decision-making and visitation arrangements were arrived at with the assistance of the Children's

⁸ Concerns relate to the child being left alone by the other parent, psychological abuse, problems in parenting, and the child not wanting to visit the other parent.

Lawyer. Sixty-eight percent of the parents reported being satisfied with the final decision-making and visitation arrangements.

SATISFACTION WITH SERVICE AS REPORTED BY PARENTS

Both mothers and fathers rated the overall quality of the service as good (84 percent of the time, irrespective of intervention). Significantly, however, both parents reported 46 percent of the time that their communication with each other about their child had not improved.

Parents Comments About Each Intervention

Mothers made the following comments with respect to the focussed intervention: “social worker was great, helped work out issues quickly”; “social worker was thorough”; “wish I knew about these services earlier”; “a deep appreciation of your service”; “report was minimal about the facts”; “really good job”; “recommendations acted as a catalyst for communication” and “did not spend enough time.” Mothers made the following comments with respect to the traditional intervention: “process took much longer than it should have”; “system should follow-up on the progress of children”; “the judge prolongs things”; “social worker was a keen observer”; “report was accurate” and “because of third party involvement things were well documented.” Fathers made the following comments with respect to the focussed intervention: “feel that access was determined without proper investigation”; “wish there were continual communications with Office of the Children’s Lawyer for unresolved issues”; “social worker should have listened to audiotapes”; “social worker did thorough job” and “nice to have an organization that looks at both sides of story, but want follow-up.” Fathers made the following comments with respect to the traditional intervention: “felt isolated from the process”; “very happy with the service”; “too many decisions were allowed by a 9-year-old”; “forms were negative (CBCL)”; “too much focus on me”; “disappointed with report” and “feel that this service was not really needed.”

Table 3: Parents’ rating of satisfaction with the overall process

Satisfaction	Mothers (N=47)		Fathers (N=33)	
	M	SD	M	SD
Social workers attitude	3.47	1.40	3.76	1.35
Concerns were listened to	3.70	1.25	3.91	1.16
Thoroughness of evaluation	3.58	1.32	3.65	1.25
Length of time	3.51	1.29	3.36	1.14
Final outcome	3.36	1.35	3.40	1.22

Table 3 illustrates that both mothers, $X=3.52$ ($SD=.13$), and fathers, $X=3.61$ ($SD=.23$), were equally satisfied with the overall process of the evaluation, irrespective of intervention. The satisfaction scale ranged from 1-5 (very unsatisfied to very satisfied).

RESEARCH HYPOTHESES

- 1) Settlement: There was no significant association found between types of evaluation and settlement, $X^2(1, N=91)=3.12, p>.05$.
- 2) Satisfaction mean scores: The following scores were obtained on the satisfaction scale for: mothers ($\alpha=.93$), $X=3.52$ ($SD=1.16$) and fathers ($\alpha=.92$), $X=3.63$ ($SD=1.04$). There were no statistically significant differences found between mothers' and fathers' satisfaction mean scores by type $t(24)=.821, p>.05$. Factorial analysis of variance found no main effect of either settlement, $F(1.43)=.119, p>.05$; or type, $F(1.43)=3.41, p>.05$; or interaction of settlement by type of intervention, $F(1.43)=.406, p>.05$ with respect to mothers' satisfaction. Factorial analysis of variance found no main effect of either settlement, $F(1.29)=.003, p>.05$; or type, $F(1.29)=0.468, p>.05$; or interaction of settlement by type of intervention, $F(1.29)=0.198, p>.05$ with respect to fathers' satisfaction. Both parents' satisfaction is not contingent upon the type of evaluation intervention.
- 3) Level of communication: There was no significant differences found for mothers communication scores by type of intervention at Time 2, $t(42)=-.191, p>.10$. For fathers at Time 2 however, there was a statistically significant difference found between fathers in the focussed evaluation intervention, ($X=1.431, SD=.698$) and traditional evaluation intervention, ($X=2.105, SD=1.149$), $t(33)=2.047, p<.05$. There was a statistical significant difference found between mothers ($X=1.665, SD=.824$) and fathers ($X=4.306, SD=1.341$) at Time 1, $t(54)=-10.93, p<.05$. There was no significant difference found between mothers and fathers at Time 2, $t(31)=-.375, p>.01$. There was no statistical significant difference found between satisfaction with the amount of sharing of information regarding their child between mothers and fathers at Time 1, $t(41)=1.95, p>.01$ and Time 2, $t(25)=.629, p>.01$.
- 4) Children's adjustment post separation: There was no statistical significant difference found between parents rating of their child's adjustment scores by type of evaluation intervention at Time 2. Mothers evaluation of Total Behaviour Problems, $t(45)=-1.166, p>.10$; Internalizing Behaviour Problems, $t(45)=-.827, p>.10$; and Externalizing Behaviour Problems, $t(45)=-1.557, p>.10$. Fathers evaluation of Total Behaviour Problems, $t(30)=-.663, p>.10$; Internalizing Behaviour Problems, $t(30)=-.258, p>.10$; and Externalizing Behaviour Problems, $t(30)=-1.248, p>.10$. Correlations among mother, father and teacher reports of child adjustment (as measured by the CBCL/Time 1 and Time 2, respectively) for girls and boys were combined. Correlations across raters at Time 1 ranged from a low of $r=-.02$ (father and teacher reports of child internalizing problems) to a high of $r=.47$ (mother and father reports of externalizing problems). Correlations across raters at Time 2 ranged from a low of $r=-.02$ (mother and teacher reports of internalizing problems) to a high of $r=.50$ (mother and father reports of child externalizing problems).

There were no significant correlations among any of the variables between mother, father and teacher self-reports on the CBCL and child and family variables (age of child, number of months separated, SES, and number of days per month of access by the non-custodial parent) at either Time 1 or Time 2.

**Table 4a: Time 1
Child-rearing obligations and responsibilities
Percentages, mean and standard deviation scores
for parental component items (N=66)**

Item		Often	Sometimes	Rarely	Mean	SD
		%	%	%		
Making major decisions regarding your children's lives	M	13.7	6.1	80.3	4.21	1.26
	F	14.8	11.5	70.5	4.30	1.58
Making day to day decisions about your children's lives	M	4.5	4.5	90.9	4.56	.79
	F	9.8	8.2	78.7	4.76	1.41
Discussing personal problems your children may be having	M	12.1	10.6	77.3	4.20	1.18
	F	16.4	14.8	60.6	4.20	1.71
Discussing school and/or medical problems	M	15.2	15.2	69.7	4.00	1.30
	F	19.7	14.8	60.6	4.07	1.63
Planning special events in your children's lives	M	9.1	7.6	83.4	4.41	1.02
	F	13.1	9.8	72.2	4.36	1.56
Talking about your children's accomplishments and progress	M	12.1	7.6	80.3	4.30	1.10
	F	11.5	19.7	65.5	4.16	1.49
Talking about problems you are having in raising the children	M	2.2	10.9	86.9	4.64	1.18
	F	11.5	11.5	72.2	4.38	1.47
Discussing how the children are adjusting to the divorce	M	3.0	9.1	84.8	4.71	1.09
	F	3.2	6.6	83.6	4.75	1.16
Discussing problems you are having with the co-parenting relationship	M	4.5	4.5	87.9	4.74	1.06
	F	8.2	9.8	59.0	4.03	1.72
Discussing finances in regard to your children	M	3.0	6.1	87.9	4.74	1.06
	F	19.7	14.8	59.0	4.03	1.72

Five-point scale ranging from always (1) to never (5); in the frequency distribution, always and often were combined, as were rarely and never.

In Table 4A (Time 1), mothers and fathers reported that they shared more information regarding major decisions about their child's life (29 percent), personal problems their child may have been having (29 percent) and school and/or medical problems (35 percent). Financial issues (23 percent), problems in co-parenting (13 percent) and how their child was adjusting to the separation and/or divorce (6.2 percent) were avoided, as they led to conflicts between them.

**Table 4b: Time 2
Child-rearing obligations and responsibilities
Percentages, mean and standard deviation scores
for parental component items (N=46)**

Item		Often	Sometimes	Rarely	Mean	SD
		%	%	%		
Making major decisions regarding your children's lives	M	8.7	2.2	86.9	4.46	1.00
	F	10.2	10.3	79.5	4.30	1.58
Making day to day decisions about your children's lives	M	2.2	6.5	91.3	4.65	.71
	F	9.8	8.2	78.7	4.46	1.14
Discussing personal problems your children may be having	M	8.7	15.2	76.1	4.15	1.23
	F	16.4	14.8	60.6	4.20	1.71
Discussing school and/or medical problems	M	10.8	15.2	73.9	4.07	1.20
	F	19.7	14.8	60.6	4.07	1.63
Planning special events in your children's lives	M	4.3	6.5	89.1	4.52	.81
	F	13.1	9.8	72.2	4.36	1.56
Talking about your children's accomplishments and progress	M	8.6	6.5	93.4	4.33	1.08
	F	11.5	19.7	65.5	4.16	1.49
Talking about problems you are having in raising the children	M	2.2	10.9	86.9	4.54	.86
	F	5.2	17.9	76.9	4.31	1.03
Discussing how the children are adjusting to the divorce	M	4.3	6.5	86.9	4.70	1.03
	F	2.6	5.1	89.8	4.74	1.07
Discussing problems you are having with the co-parenting relationship	M	6.5	10.9	76.1	4.72	1.33
	F	5.2	2.6	89.8	4.64	.90
Discussing finances in regard to your children	M	2.2	15.2	80.4	4.48	.94
	F	10.3	12.8	74.3	4.18	1.25

Five-point scale ranging from always (1) to never (5); in the frequency distribution, always and often were combined, as were rarely and never.

In Table 4B (Time 2), mothers and fathers reported less sharing of information regarding major decisions about their child's life (19 percent), personal problems their child may have been having (25 percent) and school and/or medical problems (31 percent).

**Table 5a: Time 1
Correlations among child behaviour ratings for mother, father and teacher**

		Teachers' ratings			Fathers' ratings		
		Overall	Internal	External	Overall	Internal	External
Mothers' ratings	Overall	.27*	.13	.29*	.47*	.36*	.48*
	Internal	.21	.11	.22	.48*	.44*	.42*
	External	.32*	.13	.42*	.35*	.17	.47*
Fathers' ratings	Overall	.23	.03	.21	N/A		
	Internal	.23	.02	.19			
	External	.24	.00	.28			

N=54 for Mother/Teacher correlations (top left)

N=44 for Mother/Father correlations (top right)

N=39 for Father/Teacher correlations (bottom left)

Table 5A illustrates the correlations among mother, father and teacher ratings of each of total behaviour problems, internalizing problems and externalizing problems for Time 1. The upper left quadrant shows the mother/teacher correlations. Within that quadrant, the upper left to lower right diagonal shows the correlation between mother and teacher for the same behaviour rating. There are statistically significant correlations between mothers' and teachers' ratings of externalizing ($r=.42$) and overall behaviour problems ($r=.27$). The agreement between mothers and teachers on internalizing behaviour is not statistically significant.

The upper right quadrant shows agreement between mothers' and fathers' ratings of behaviour. An examination of the diagonals illustrates that there is statistically significant agreement on ratings of each type of behaviour concerns. Finally, the lower left quadrant shows the agreement between the fathers' and teachers' ratings. No significant agreement was found. While it is true that the sample size for these correlations was smaller than for the other two quadrants, only one correlation ($r=.28$ for external behaviour) was of a magnitude that had been significant in the other analyses.

Table 5b Time 2
Correlations among child behaviour ratings for mother, father and teacher

		Teachers' ratings			Fathers' ratings		
		Overall	Internal	External	Overall	Internal	External
Mothers' ratings	Overall	.32	.21	.33	.36*	.08	.50*
	Internal	.10	-.02	.11	.38*	.20	.42*
	External	.46*	.38*	.52*	.19	-.05	.35*
Fathers' ratings	Overall	.19	.19	.17	N/A		
	Internal	.15	.09	.17			
	External	.17	.17	.13			

N=31 for Mother/Teacher correlations (top left)

N=28 for Mother/Father correlations (top right)

N=23 for Father/Teacher correlations (bottom left)

Table 5B illustrates the correlations among mother, father and teacher ratings of each of the total behaviour problems, internalizing problems and externalizing problems for Time 2. Within each quadrant the upper left to lower right diagonal represents raters assessment of the same type of behaviour problems. The upper left quadrant shows the mother and teacher correlations. There are statistically significant correlations between mothers' and teachers' ratings of the child's externalizing problems, ($r=.52$). The upper right quadrant shows agreement between mothers' and fathers' ratings of behaviour. There are statistically significant correlations between mothers' and fathers' ratings of overall behaviour problems ($r=.36$) and mothers' and fathers' ratings of externalizing problems ($r=.35$). Finally, the lower left quadrant shows the agreement between the fathers and teachers ratings. No significant agreement was found.

The data were also analyzed to compare custodial parent (mothers had sole custody 86 percent of the time), non-custodial parent and teacher ratings. There was a significant correlation between custodial and non-custodial parent evaluation of total behaviour problems ($r=.46$; $N=51$), as well as custodial and noncustodial parent evaluation of externalizing behaviour problems ($r=.47$; $N=42$) at Time 1. No other significant correlations were found. At Time 2, significant

correlations were found between custodial parent (usually the mother) and teacher ratings of the child's externalizing behaviour problems. No other significant correlations were found.

The total sample size for children (N=65) scoring in the clinical norm cutoff (90th percentile) e.g.: T=63 for Total Behaviour Problems, Internalizing and Externalizing Behaviour Problems (Achenbach and Edelbrock, 1983) at Time 1 and at Time 2 (N=45) was less than 20 percent in both the traditional or focussed evaluation groups.

DISCUSSION

This study set out to examine whether focussed, more solution oriented approaches are as effective or more effective than the traditional child custody/access evaluation that focusses on gathering "evidence" as to "who is the better parent." The study had specific inclusion/exclusion criteria. The study was exploratory in nature, as there are presently no studies in the literature that differentiate between types of interventions used with families, i.e. focussed vs traditional child custody and/or access evaluations and outcomes. Methodological problems have been raised in the literature with respect to mothers' reports only. This study gathered information from multiple informants on multiple items in questionnaires.

Parents reported an increase in visitation days between the non-custodial parent (usually the father) and the child, even though they had concerns regarding the other's understanding of the child's socio-emotional needs. While there was no statistical significance found between the two interventions, parents did report that the focussed evaluation intervention was of greater help in re-framing the conflict between the parents towards more problem-solving between them. This might account for the high rate of agreement between parents (84 percent) with respect to the overall satisfaction with the service.

Fathers reported that they communicated more with their ex-spouse in the traditional evaluation intervention than in the focused evaluation intervention at Time 2. This could be attributed to the length of time required for each intervention. This would support both parents reporting that the content of their communication did change. At Time 2, both parents in each intervention reported that they spoke less about issues that would cause conflict between them and none about: (a) day to day decisions concerning their child; (b) major decision-making about their child; (c) how the child was adjusting to the divorce; and (d) financial matters. Ahrons (1981), Johnston et al. (1987) and Radovanovic et al. (1994) reported similar findings. Furstenberg and Cherlin (1991) and Radovanovic et al. (1994) found that parents who disputed child custody and access arrangements continue to have poor communication 12 to 18 months later.

Many of the parents in this study had already been in litigation for three years prior to contact with the Children's Lawyer. This would indicate that they had not been able to resolve their parenting differences between them for some time regarding their child. Thus, helping high conflict parents develop skills for the exchange of child-related information and less conflictual patterns of communication is an important aspect of any intervention. Additionally, learning problem-solving techniques for the future would be important and beneficial to their child.

It is interesting to note the relatively moderate correlation between maternal and paternal ratings of their child's overall behaviour at Time 2 given that that research demonstrates differences in custodial and noncustodial parents ratings of their child on the CBCL. Over 80 percent of mothers had custody of the child, and yet fathers were generally attuned to their child's behaviour. This suggests that both parents may have already been more focussed on their child notwithstanding their individual differences. The congruence of parent ratings is significant in three ways. First, fathers are important informants in the process. Many studies often do not report fathers' findings due to the poor response rate from fathers (Lee, 1997). Second, the congruence may account for the finding that the proportion of children scoring in the clinically significant range of emotional and behavioural problems, as reported by the parents on the CBCL, was lower than what is reported in other studies (Johnston et al., 1987; Radovanovic et al., 1994). Third, this might also explain the increase in the number of days of access per month between father and child as recommended by the social worker.

In contrast, other studies have demonstrated little association between fathers' and mothers' reports on the CBCL, citing that as children have little contact with their non-custodial parent (usually the father every other weekend), the father would not really know their child well enough to report accurately on the child's socio-emotional development (Radovanovic, 1993; Radovanovic, et al., 1994). They also raise the issue that children act differently in the two different homes, which would contribute to the differences found in the parents' reports. Future work needs to explore both gender and age differences in children.

Austin and Jaffe (1990) were early pioneers in raising the issue of differentiating and understanding the actual process of child custody evaluations and the role that evaluators play with respect to settlement. This is in contrast to the mediation and psychotherapy literature, which is replete with studies examining the relationship between clinician and outcomes. This study attempted to address some of these limitations in the child custody literature by providing a fidelity checklist for social workers and parents as well as a manual about each step for each intervention. These results mean that some families can be helped in a shorter period of time and that possible process variables different from those in the traditional intervention account for positive outcomes. Ways to further refine the manual and fidelity checklist would need to be explored in the future.

While the results of this study shows no significant correlations among the social workers' intervention, number of hours spent with the family, years of experience and age of social worker and settlement rates, it must be remembered that this was an exploratory study. Parents reported that they were equally satisfied with both interventions and that the majority of the cases settled with the assistance of the Children's Lawyer. Not surprisingly, satisfaction with both interventions appeared to be connected to custodial status and the direction of the recommendations. This finding was supported in the literature (Birnbaum and Radovanovic, 1999; Radovanovic et al., 1994).

While the results seem to indicate that the inclusion/exclusion criteria are working for this population, we do not know if the intervention works for parents facing more complex issues, e.g. domestic violence, an alienated child, etc.

However, the results appear to suggest that there is potential for further research with the focussed evaluation intervention using the inclusion/exclusion criteria.

LIMITATIONS OF CURRENT STUDY

This study was exploratory in nature and the generalizability of these findings to other settings is limited in several ways. First, this sample represents high conflict parents litigating for more than three years prior to receiving service from the Children’s Lawyer’s Office. They may well have settled their dispute in any event, as their experience with the court system was less than helpful. Second, the services were provided in a publicly funded office that enjoys high credibility with the courts in Ontario, and the parents may have felt they had little choice in accepting the recommendations and suggestions of the social worker. Third, a larger sample size would increase the power, and therefore possibly detect differences in the different interventions, if any. Fourth, incorporating a longitudinal design would also capture changes, if any.

In spite of these limitations and the fact that no observational measures were used, a number of benefits resulted from this study. This is the first time a high conflict group of parents had been randomized in a prospective study focussing on the efficacy of different interventions for disputes concerning access. This study builds on the limitations of previous studies that only examine retrospective data and contain no comparison groups. From a resource point of view, the inclusion/exclusion criteria facilitated the identification of children and families who might benefit from a shorter and solution oriented approach in a timely and cost-effective manner. This has significant policy implications for future directions with respect to advocating on behalf of children’s interests. More research in differentiating the interventions needs to be explored.⁹

CONCLUSION

This study suggests that it makes theoretical and practical sense to continue to further refine and establish a comprehensive set of criteria, based on types of issues in dispute (custody and/or access) and parental characteristics that lend themselves to a problem-solving approach rather than gathering “evidence” on behalf of children. The results of this study demonstrate that there was a significant difference in the cost-effectiveness of each intervention. This clearly has implications from both a practical and policy perspective. For example, being able to capture a larger client pool with a range of services allows for a more active intervention by the Children’s Lawyer and a stronger child-focussed approach to family law. Hence, “one size does not fit all.”

Child advocacy as practiced at the Children’s Lawyers Office requires thoughtful planning to facilitate both parents’ ability to concentrate on their strengths rather than the litigation and the subsequent conflict that it inevitably engenders. Offering services to families based on the needs of children should be paramount.

⁹ The Children’s Lawyer is presently engaged in an ongoing prospective study that allows for a Time 3 follow-up period to assess differences between the two interventions in both the social work and legal representation of children.

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APPENDIX 1: INFORMATION FOR PARENTS

**INFORMATION FOR PARENTS
OFFICE OF THE CHILDREN'S LAWYER
PERSONAL RIGHTS SOCIAL WORK DEPARTMENT**

INTRODUCTION

The Office of the Children's Lawyer is interested in improving and evaluating its services in custody and access disputes.

The Office is evaluating these services and their effect on children's adjustment to the separation of their parents. The Office is cooperating with Rachel Birnbaum, doctoral candidate at the University of Toronto, Faculty of Social Work, and the Department of Justice Canada. Therefore, we value your input as a parent so that we may learn more about you and your children.

Collecting this information requires that each parent fill out questionnaires about how you and your children are doing as well as how you view the family relationships and arrangements for your children. With your permission, we will ask your oldest child's teacher to also fill out a questionnaire on how your child is doing in school. The parent questionnaires will take approximately 45 minutes to complete and will be filled out at two points in time (before the evaluation and after the evaluation). A research assistant will be on hand, if necessary, to help you in filling out the questionnaires.

TWO SERVICES

This research project explores two different types of child custody/access services. You have received a letter stating that you will be provided with a "focussed child custody social work investigation and report." Subsequently, you will be randomly assigned to either the focussed child custody report, where the social worker examines some of the sources of conflict that you and your former partner are experiencing, with a view to resolving these issues in the interest of your child/ren, or to another service which is also a child custody investigation and report. In this second type of service, the social worker will assess your child/ren's needs and also recommend a parenting plan based on the interests of your child/ren. Either of these two child custody services, but not both, will be provided.

CONFIDENTIALITY

All information reviewed will be used for research purposes and will be kept confidential. Codes will be used in place of real names for all information, and all information that will identify you or your child will be kept separate and held by the researcher only.

There is a possibility that the questionnaires may be subpoenaed for court purposes. However, the Office of the Children's Lawyer has been granted exemption for similar documents to protect sensitive information about children.

VOLUNTARY

Your participation in this research project is totally voluntary. Your decision to participate or not will not affect the ongoing investigation. You may withdraw from the research project at any point in time and still continue to receive services. You may refuse to answer the questionnaires once you receive them and you will still be provided with our assistance from this office.

THANK-YOU

This research project will be useful in serving children and families such as your own who are disputing custody and/or access arrangements. Your participation would be greatly appreciated and we thank you for considering doing so.

Lorraine E. Martin, B.A., M.S.W.
Clinical Coordinator of Social Work
Office of the Children's Lawyer
Telephone: 416-314-8066

CONSENT FORM FOR PARTICIPANTS

The study procedures have been explained to me. I understand that the information is used for research purposes. However, there is a possibility that the questionnaires may be subpoenaed for court purposes.

I have been advised that the Office of The Children's Lawyer has been granted exemption for similar types of documents in the past under the Freedom of Information and Privacy Act to protect sensitive information about children should it arise.

I have been told of the possible benefits of the study and that this information may be of help to other parents in similar circumstances. I am also aware that this study will help the Office of the Children's Lawyer in learning to improve and evaluate services delivered.

I have been assured of confidentiality and that no information will be released or printed that would disclose the identity of myself or any of my family members without my permission.

- 1) The information is used only by the researcher, Rachel Birnbaum, Ph.D. (candidate) who keeps it in a secure place.
- 2) Codes are used in place of real names for all information, and all information that identifies me will be kept by the researcher only.
- 3) The final report contains no names or other identification.
- 4) I will be provided with a summary of the findings as a whole.
- 5) I will receive a copy of both the Information for Parents and this Consent Form.

I understand that my participation in this study is completely voluntary, and it has been explained to me that I can withdraw from the study at any time and continue to receive service. My signature below signifies my willingness to participate in the study and that I be contacted six to eight months later to see how the matter was eventually resolved and how satisfied I feel about the services provided and the arrangements made for my child/ren.

Print your name

Your signature

Witness

Witness signature

(Lorraine Martin can be contacted for questions at 416-314-8066;
or Rachel Birnbaum at 416-314-8072)

APPENDIX 2:
CHILD BEHAVIOUR CHECKLIST FOR AGES 4-18
TEACHER'S RATING FORM FOR AGES 5-18

CHILD BEHAVIOUR CHECKLIST FOR AGES 4-18

Below is a list of items that describe children and youth. For each item that describes your child *now or within the past 2 months*, please circle the **2** if the item is *very true or often true* of your child. Circle the **1** if the item is *somewhat or sometimes true* for your child. If the item is *not true* of the pupil, circle the **0**. Please answer all items as well as you can, even if some do not seem to apply to your child.

Please Print

0 = Not True (as far as you know) 1 = Somewhat or Sometimes True 2 = Very True or Often True

- | | | | | | | | |
|---|---|---|--|---|---|---|---|
| 0 | 1 | 2 | 1. Acts too young for his/her age | 0 | 1 | 2 | 31. Fears he/she might think or do something bad |
| 0 | 1 | 2 | 2. Allergy (describe): _____
_____ | 0 | 1 | 2 | 32. Feels he/she has to be perfect |
| 0 | 1 | 2 | 3. Argues a lot | 0 | 1 | 2 | 33. Feels or complains that no one loves him/her |
| 0 | 1 | 2 | 4. Asthma | 0 | 1 | 2 | 34. Feels others are out to get him/her |
| 0 | 1 | 2 | 5. Behaves like opposite sex | 0 | 1 | 2 | 35. Feels worthless or inferior |
| 0 | 1 | 2 | 6. Bowel movements outside toilet | 0 | 1 | 2 | 36. Gets hurt a lot, accident-prone |
| 0 | 1 | 2 | 7. Bragging, boasting | 0 | 1 | 2 | 37. Gets in many fights |
| 0 | 1 | 2 | 8. Can't concentrate, can't pay attention for long | 0 | 1 | 2 | 38. Gets teased a lot |
| 0 | 1 | 2 | 9. Can't get his/her mind off certain thoughts; obsessions (describe): _____
_____ | 0 | 1 | 2 | 39. Hangs around with others who get in trouble |
| 0 | 1 | 2 | 10. Can't sit still, restless, or hyperactive | 0 | 1 | 2 | 40. Hears sounds or voices that aren't there (describe): _____ |
| 0 | 1 | 2 | 11. Clings to adults or too dependent | 0 | 1 | 2 | 41. Impulsive or acts without thinking |
| 0 | 1 | 2 | 12. Complains of loneliness | 0 | 1 | 2 | 42. Would rather be alone than with others |
| 0 | 1 | 2 | 13. Confused or seems to be in a fog | 0 | 1 | 2 | 43. Lying or cheating |
| 0 | 1 | 2 | 14. Cries a lot | 0 | 1 | 2 | 44. Bites fingernails |
| 0 | 1 | 2 | 15. Cruel to animals | 0 | 1 | 2 | 45. Nervous, high-strung, or tense |
| 0 | 1 | 2 | 16. Cruelty, bullying, or meanness to others | 0 | 1 | 2 | 46. Nervous movements or twitching (describe): _____
_____ |
| 0 | 1 | 2 | 17. Day-dreams or gets lost in his/her thoughts | 0 | 1 | 2 | 47. Nightmares |
| 0 | 1 | 2 | 18. Deliberately harms self or attempts suicide | 0 | 1 | 2 | 48. Not liked by other kids |
| 0 | 1 | 2 | 19. Demands a lot of attention | 0 | 1 | 2 | 49. Constipated, doesn't move bowels |
| 0 | 1 | 2 | 20. Destroys his/her own things | 0 | 1 | 2 | 50. Too fearful or anxious |
| 0 | 1 | 2 | 21. Destroys things belonging to his/her family or others | 0 | 1 | 2 | 51. Feels dizzy |
| 0 | 1 | 2 | 22. Disobedient at home | 0 | 1 | 2 | 52. Feels too guilty |
| 0 | 1 | 2 | 23. Disobedient at school | 0 | 1 | 2 | 53. Overeating |
| 0 | 1 | 2 | 24. Doesn't eat well | 0 | 1 | 2 | 54. Overtired |
| 0 | 1 | 2 | 25. Doesn't get along with other kids | 0 | 1 | 2 | 55. Overweight |
| 0 | 1 | 2 | 26. Doesn't seem to feel guilty after misbehaving | 0 | 1 | 2 | 56. Physical problems <i>without known medical cause</i> : |
| 0 | 1 | 2 | 27. Easily jealous | 0 | 1 | 2 | a. Aches or pains (<i>not</i> stomach or headaches) |
| 0 | 1 | 2 | 28. Eats or drinks things that are not food – <i>don't</i> include sweets (describe): _____
_____ | 0 | 1 | 2 | b. Headaches |
| 0 | 1 | 2 | 29. Fears certain animals, situations, or places other than school (describe): _____
_____ | 0 | 1 | 2 | c. Nausea, feels sick |
| 0 | 1 | 2 | 30. Fears going to school | 0 | 1 | 2 | d. Problems with eyes (<i>not</i> if corrected by glasses) Describe: _____ |
| | | | | 0 | 1 | 2 | e. Rashes or other skin problems |
| | | | | 0 | 1 | 2 | f. Stomach aches or cramps |
| | | | | 0 | 1 | 2 | g. Vomiting, throwing up |
| | | | | 0 | 1 | 2 | h. Other (describe): _____
_____ |

Please Print

0 = Not True (as far as you know)

1 = Somewhat or Sometimes True

2 = Very True or Often True

- 0 1 2 57. Physically attacks people
- 0 1 2 58. Picks nose, skin, or other parts of body (describe): _____

- 0 1 2 59. Plays with own sex parts in public
- 0 1 2 60. Plays with own sex parts too much
- 0 1 2 61. Poor school work
- 0 1 2 62. Poorly coordinated or clumsy
- 0 1 2 63. Prefers being with older kids
- 0 1 2 64. Prefers being with younger kids
- 0 1 2 65. Refuses to talk
- 0 1 2 66. Repeats certain acts over and over; compulsions (describe): _____

- 0 1 2 67. Runs away from home
- 0 1 2 68. Screams a lot
- 0 1 2 69. Secretive, keeps things to self
- 0 1 2 70. Sees things that aren't there (describe): _____

- 0 1 2 71. Self-conscious or easily embarrassed
- 0 1 2 72. Sets fires
- 0 1 2 73. Sexual problems: _____

- 0 1 2 74. Showing off or clowning
- 0 1 2 75. Shy or timid
- 0 1 2 76. Sleeps less than most kids
- 0 1 2 77. Sleeps more than most kids during day and/or night (describe): _____

- 0 1 2 78. Smears or plays with bowel movements
- 0 1 2 79. Speech problem (describe): _____

- 0 1 2 80. Stares blankly
- 0 1 2 81. Steals at home
- 0 1 2 82. Steals outside the home
- 0 1 2 83. Stores up things he/she doesn't need (describe): _____

- 0 1 2 84. Strange behaviour (describe): _____

- 0 1 2 85. Strange ideas (describe): _____

- 0 1 2 86. Stubborn, sullen or irritable
- 0 1 2 87. Sudden changes in mood or feelings
- 0 1 2 88. Sulks a lot
- 0 1 2 89. Suspicious
- 0 1 2 90. Swearing or obscene language
- 0 1 2 91. Talks about killing self
- 0 1 2 92. Talks or walks in sleep (describe): _____

- 0 1 2 93. Talks too much
- 0 1 2 94. Teases a lot
- 0 1 2 95. Temper tantrums or hot temper
- 0 1 2 96. Talks about sex too much
- 0 1 2 97. Threatens people
- 0 1 2 98. Thumb-sucking
- 0 1 2 99. Too concerned with neatness or cleanliness
- 0 1 2 100. Trouble sleeping (describe): _____

- 0 1 2 101. Truancy, skips school
- 0 1 2 102. Underactive, slow moving, or lacks energy
- 0 1 2 103. Unhappy, sad, or depressed
- 0 1 2 104. Unusually loud
- 0 1 2 105. Uses alcohol or drugs for nonmedical purposes (describe): _____

- 0 1 2 106. Vandalism
- 0 1 2 107. Wets self during the day
- 0 1 2 108. Wets the bed
- 0 1 2 109. Whining
- 0 1 2 110. Wishes to be of opposite sex
- 0 1 2 111. Withdrawn, doesn't get involved with others
- 0 1 2 112. Worries
- 113. Please write in any problems your child has that were not listed above:
0 1 2 _____
0 1 2 _____
0 1 2 _____

PLEASE BE SURE YOU HAVE ANSWERED ALL ITEMS

UNDERLINE ANY YOU ARE CONCERNED ABOUT

TEACHER'S RATING FORM FOR AGES 5-18

Please Print

Below is a list of items that describe pupils. For each item that describes the pupil *now or within the past 2 months*, please circle the **2** if the item is *very true or often true* of the pupil. Circle the **1** if the item is *somewhat or sometimes true* for the pupil. If the item is *not true* of the pupil, circle the **0**. Please answer all items as well as you can, even if some do not seem to apply to this pupil.

0 = Not True (as far as you know) 1 = Somewhat or Sometimes True 2 = Very True or Often True

- | | | | | | | | |
|---|---|---|--|---|---|---|---|
| 0 | 1 | 2 | 1. Acts too young for his/her age | 0 | 1 | 2 | 31. Fears he/she might think or do something bad |
| 0 | 1 | 2 | 2. Hums or makes other odd noises in class | 0 | 1 | 2 | 32. Feels he/she has to be perfect |
| 0 | 1 | 2 | 3. Argues a lot | 0 | 1 | 2 | 33. Feels or complains that no one loves him/her |
| 0 | 1 | 2 | 4. Fails to finish things he/she starts | 0 | 1 | 2 | 34. Feels others are out to get him/her |
| 0 | 1 | 2 | 5. Behaves like opposite sex | 0 | 1 | 2 | 35. Feels worthless or inferior |
| 0 | 1 | 2 | 6. Defiant, talks back to staff | 0 | 1 | 2 | 36. Gets hurt a lot, accident-prone |
| 0 | 1 | 2 | 7. Bragging, boasting | 0 | 1 | 2 | 37. Gets in many fights |
| 0 | 1 | 2 | 8. Can't concentrate, can't pay attention for long | 0 | 1 | 2 | 38. Gets teased a lot |
| 0 | 1 | 2 | 9. Can't get his/her mind off certain thoughts; obsessions (describe): _____
_____ | 0 | 1 | 2 | 39. Hangs around with others who get in trouble |
| | | | | 0 | 1 | 2 | 40. Hears sounds or voices that aren't there (describe): _____
_____ |
| 0 | 1 | 2 | 10. Can't sit still, restless, or hyperactive | 0 | 1 | 2 | 41. Impulsive or acts without thinking |
| | | | | 0 | 1 | 2 | 42. Would rather be alone than with others |
| 0 | 1 | 2 | 11. Clings to adults or too dependent | 0 | 1 | 2 | 43. Lying or cheating |
| | | | | 0 | 1 | 2 | 44. Bites fingernails |
| 0 | 1 | 2 | 12. Complains of loneliness | 0 | 1 | 2 | 45. Nervous, high-strung, or tense |
| 0 | 1 | 2 | 13. Confused or seems to be in a fog | 0 | 1 | 2 | 46. Nervous movements or twitching (describe): _____
_____ |
| 0 | 1 | 2 | 14. Cries a lot | | | | |
| 0 | 1 | 2 | 15. Fidgets | | | | |
| 0 | 1 | 2 | 16. Cruelty, bullying, or meanness to others | | | | |
| 0 | 1 | 2 | 17. Daydreams or gets lost in his/her thoughts | 0 | 1 | 2 | 47. Overconforms to rules |
| 0 | 1 | 2 | 18. Deliberately harms self or attempts suicide | 0 | 1 | 2 | 48. Not liked by other pupils |
| 0 | 1 | 2 | 19. Demands a lot of attention | 0 | 1 | 2 | 49. Has difficulty learning |
| 0 | 1 | 2 | 20. Destroys his/her own things | 0 | 1 | 2 | 50. Too fearful or anxious |
| 0 | 1 | 2 | 21. Destroys property belonging to others | 0 | 1 | 2 | 51. Feels dizzy |
| 0 | 1 | 2 | 22. Difficulty following directions | 0 | 1 | 2 | 52. Feels too guilty |
| 0 | 1 | 2 | 23. Disobedient at school | 0 | 1 | 2 | 53. Talks out of turn |
| 0 | 1 | 2 | 24. Disturbs other pupils | 0 | 1 | 2 | 54. Overtired |
| 0 | 1 | 2 | 25. Doesn't get along with other pupils | 0 | 1 | 2 | 55. Overweight |
| 0 | 1 | 2 | 26. Doesn't seem to feel guilty after misbehaving | 0 | 1 | 2 | 56. Physical problems <i>without known medical cause:</i> |
| 0 | 1 | 2 | 27. Easily jealous | 0 | 1 | 2 | a. Aches or pains (<i>not</i> stomach or headaches) |
| 0 | 1 | 2 | 28. Eats or drinks things that are not food – <i>don't</i> include sweets (describe): _____
_____ | 0 | 1 | 2 | b. Headaches |
| | | | | 0 | 1 | 2 | c. Nausea, feels sick |
| | | | | 0 | 1 | 2 | d. Problems with eyes (<i>not</i> if corrected by glasses) Describe: _____ |
| | | | | 0 | 1 | 2 | e. Rashes or other skin problems |
| 0 | 1 | 2 | 29. Fears certain animals, situations, or places other than school (describe): _____
_____ | 0 | 1 | 2 | f. Stomach aches or cramps |
| | | | | 0 | 1 | 2 | g. Vomiting, throwing up |
| | | | | 0 | 1 | 2 | h. Other (describe): _____
_____ |
| 0 | 1 | 2 | 30. Fears going to school | | | | |

Please Print

0 = Not True (as far as you know) 1 = Somewhat or Sometimes True 2 = Very True or Often True

- | | | | | | | | |
|---|---|---|--|---|---|---|---|
| 0 | 1 | 2 | 57. Physically attacks people | 0 | 1 | 2 | 84. Strange behaviour (describe): _____ |
| 0 | 1 | 2 | 58. Picks nose, skin, or other parts of body (describe): _____ | | | | _____ |
| | | | _____ | 0 | 1 | 2 | 85. Strange ideas (describe): _____ |
| | | | _____ | | | | _____ |
| 0 | 1 | 2 | 59. Sleeps in class | 0 | 1 | 2 | 86. Stubborn, sullen or irritable |
| 0 | 1 | 2 | 60. Apathetic or unmotivated | 0 | 1 | 2 | 87. Sudden changes in mood or feelings |
| 0 | 1 | 2 | 61. Poor school work | 0 | 1 | 2 | 88. Sulks a lot |
| 0 | 1 | 2 | 62. Poorly coordinated or clumsy | 0 | 1 | 2 | 89. Suspicious |
| 0 | 1 | 2 | 63. Prefers being with older children or youths | 0 | 1 | 2 | 90. Swearing or obscene language |
| 0 | 1 | 2 | 64. Prefers being with younger children | 0 | 1 | 2 | 91. Talks about killing self |
| 0 | 1 | 2 | 65. Refuses to talk | 0 | 1 | 2 | 92. Underachieving, not working up to potential |
| 0 | 1 | 2 | 66. Repeats certain tasks over and over; compulsions (describe): _____ | 0 | 1 | 2 | 93. Talks too much |
| | | | _____ | 0 | 1 | 2 | 94. Teases a lot |
| | | | _____ | 0 | 1 | 2 | 95. Temper tantrums or hot temper |
| 0 | 1 | 2 | 67. Disrupts class discipline | 0 | 1 | 2 | 96. Seems preoccupied with sex |
| 0 | 1 | 2 | 68. Screams a lot | 0 | 1 | 2 | 97. Threatens people |
| 0 | 1 | 2 | 69. Secretive, keeps things to self | 0 | 1 | 2 | 98. Tardy to school or class |
| 0 | 1 | 2 | 70. Sees things that aren't there (describe): _____ | 0 | 1 | 2 | 99. Too concerned with neatness or cleanliness |
| | | | _____ | 0 | 1 | 2 | 100. Fails to carry out assigned tasks |
| | | | _____ | 0 | 1 | 2 | 101. Truancy or unexplained absence |
| 0 | 1 | 2 | 71. Self-conscious or easily embarrassed | 0 | 1 | 2 | 102. Underactive, slow moving, or lacks energy |
| 0 | 1 | 2 | 72. Messy work | 0 | 1 | 2 | 103. Unhappy, sad, or depressed |
| 0 | 1 | 2 | 73. Behaves irresponsibly (describe): _____ | 0 | 1 | 2 | 104. Unusually loud |
| | | | _____ | 0 | 1 | 2 | 105. Uses alcohol or drugs for nonmedical purposes (describe): _____ |
| | | | _____ | | | | _____ |
| 0 | 1 | 2 | 74. Showing off or clowning | 0 | 1 | 2 | 106. Overly anxious to please |
| 0 | 1 | 2 | 75. Shy or timid | 0 | 1 | 2 | 107. Dislikes school |
| 0 | 1 | 2 | 76. Explosive and unpredictable behaviour | 0 | 1 | 2 | 108. Is afraid of making mistakes |
| 0 | 1 | 2 | 77. Demands must be met immediately, easily frustrated | 0 | 1 | 2 | 109. Whining |
| 0 | 1 | 2 | 78. Inattentive, easily distracted | 0 | 1 | 2 | 110. Unclean personal appearance |
| 0 | 1 | 2 | 79. Speech problem (describe): _____ | 0 | 1 | 2 | 111. Withdrawn, doesn't get involved with others |
| | | | _____ | 0 | 1 | 2 | 112. Worries |
| | | | _____ | | | | |
| 0 | 1 | 2 | 80. Stares blankly | | | | |
| 0 | 1 | 2 | 81. Feels hurt when criticized | | | | |
| 0 | 1 | 2 | 82. Steals | 0 | 1 | 2 | 113. Please write in any problems the pupil has that were not listed above: |
| 0 | 1 | 2 | 83. Stores up things he/she doesn't need (describe): _____ | 0 | 1 | 2 | _____ |
| | | | _____ | 0 | 1 | 2 | _____ |
| | | | _____ | 0 | 1 | 2 | _____ |

PLEASE BE SURE YOU HAVE ANSWERED ALL ITEMS

APPENDIX 3: AHRONS COMMUNICATION FORM

AHRONS COMMUNICATIONS FORM

I.D. Number: _____ Date (dy/mo/yr): _____

Who is filling out this form: 1. Mother 2. Father 3. Other (specify) _____

How often are the following now shared between you and your ex-spouse:

	Always	Usually	Sometimes	Rarely	Never	Unknown
1. Making major decisions regarding your children's lives.	<input type="radio"/>					
2. Making day-to-day decisions about your children's lives.	<input type="radio"/>					
3. Discussing personal problems your children may be having.	<input type="radio"/>					
4. Discussing school and/or medical problems.	<input type="radio"/>					
5. Planning special events in your children's lives.	<input type="radio"/>					
6. Talking about your children's accomplishments and progress.	<input type="radio"/>					
7. Talking about problems you are having in raising the children.	<input type="radio"/>					
8. Discussing how the children are adjusting to the divorce.	<input type="radio"/>					
9. Discussing problems you are having with the co-parenting relationship.	<input type="radio"/>					
10. Discussing finances in regard to your children.	<input type="radio"/>					

11. Satisfaction with the amount of sharing with ex-spouse in relation to the children.

- Very satisfied
- Somewhat satisfied
- Mixed—neither satisfied nor dissatisfied
- Somewhat dissatisfied
- Very dissatisfied
- Unknow

APPENDIX 4: INTERVIEW SCHEDULE

OFFICE OF THE CHILDREN'S LAWYER INTERVIEW SCHEDULE

INTRODUCTORY REMARKS

Thank you for agreeing to fill out this form about your experience with the Children's Lawyer. We want to learn as much as possible about how the service can help families facilitate parenting plans for their children.

Your responses will be completely confidential, meaning that your individual responses will not be identified.

1. a) What are the current living arrangements for the children (*Prompt: what is actually happening?*)

b) Is this the same as when you were first involved with the Children's Lawyer? (*Prompt: children residing/access the same*)

If no, how is it different?

2. Presently, how often are visits scheduled to occur?

a) Number of days/month _____

b) Frequency

_____ weekly

_____ every other week

_____ monthly

_____ less than monthly

_____ not at all

_____ no specific visitation schedule

c) Is this the same as the previous arrangement?

If no, how is it different?

3. How regular are the visits?

- _____ always
- _____ very often
- _____ often
- _____ sometimes
- _____ rarely

4. How did you arrive at the current decision-making and visitation arrangement?

- _____ settled at The Children's Lawyer
 - _____ settled with lawyers after The Children's Lawyer involvement
 - _____ settled with a mediator and lawyers
 - _____ settled at court
 - _____ the matter is still unresolved
- i) with respect to the original difficulties _____
- ii) with respect to another matter _____
- iii) other (i.e. other parent withdrew) _____

5. How satisfied are you with the present custody arrangements?

- _____ very unsatisfied
- _____ unsatisfied
- _____ neutral
- _____ satisfied
- _____ very satisfied

6. How satisfied are you with the present visitation arrangements?

- _____ very unsatisfied
- _____ unsatisfied
- _____ neutral
- _____ satisfied
- _____ very satisfied

7. How satisfied were you with the evaluator's attitude towards your dispute?

- _____ very unsatisfied
- _____ unsatisfied
- _____ neutral
- _____ satisfied
- _____ very satisfied

8. Were you satisfied that the evaluator listened to your concerns?

- very unsatisfied
- unsatisfied
- neutral
- satisfied
- very satisfied

9. Were you satisfied with the thoroughness of the evaluation?

- very unsatisfied
- unsatisfied
- neutral
- satisfied
- very satisfied

10. Were you satisfied with the length of time the evaluation took to complete?

- very unsatisfied
- unsatisfied
- neutral
- satisfied
- very satisfied

11. Were you satisfied with the report's recommendations?

- very unsatisfied
- unsatisfied
- neutral
- satisfied
- very satisfied

12. Thinking back to the beginning of the Children's Lawyer involvement, are the problems or concerns you identified at that time still of concern?

- Yes
- No

If yes, what are these concerns?

13. Since the involvement of the Children's Lawyer, how often has there been physical aggression (*i.e. throwing things at you, pushing, shoving*) directed towards you by the other parent?

- always very often often rarely never

14. Since the involvement of the Children's Lawyer, how often has there been verbal aggression (i.e. shouting, yelling) directed towards you by the other parent?

_____ always _____ very often _____ often _____ rarely _____ never

15. Are there any new problems which have arisen since the Children's Lawyer involvement?

_____ Yes
_____ No

If yes, what are these problems?

16. How often do you now cooperate regarding issues around your children?

_____ very often _____ often _____ sometimes _____ rarely _____ never

17. How often do you argue or disagree about issues related to your children now?

_____ very often _____ often _____ sometimes _____ rarely _____ never

18. Overall, how would you rate the quality of the service you received?

_____ very good _____ good _____ adequate _____ poor _____ very poor

19. How helpful was the Children's Lawyer involvement with respect to the following?

i) Improving communication between parents:

_____ very helpful _____ helpful _____ neutral _____ unhelpful _____ very unhelpful

ii) Understanding problems between the two of you better:

_____ very helpful _____ helpful _____ neutral _____ unhelpful _____ very unhelpful

iii) Understanding the children's feelings better:

_____ very helpful _____ helpful _____ neutral _____ unhelpful _____ very unhelpful

iv) Establishing custody and/or access arrangements:

_____ very helpful _____ helpful _____ neutral _____ unhelpful _____ very unhelpful

20. Do you have any further comments about our service?

APPENDIX 5: FIDELITY CHECKLIST

QUESTIONNAIRE FOR SOCIAL WORKER FIDELITY CHECK

FOCUSSED CHILD CUSTODY EVALUATION

1) Did you focus on how problem-solving techniques could be used in the future?

Not at All - 0 1 2 3 4 5 – Very Often

2) Did you focus on helping parent/s examine the impasse as opposed to the cause of the marriage breakdown?

Not at All - 0 1 2 3 4 5 – Very Often

3) Did you discuss ideas on how the parents could resolve their dispute?

Not at All - 0 1 2 3 4 5 – Very Often

4) Did you discuss with parent/s what resources (financial and emotional, extended family) they had available to assist in resolving their dispute?

Not at All - 0 1 2 3 4 5 – Very Often

5) Did you help the parents understand what triggers their “buttons” and get them to refocus differently?

Not at All - 0 1 2 3 4 5 – Very Often

6) Did you focus on educating the parent/s regarding the impact of their dispute on their children?
(i.e. did you discuss conflict and implications on children’s development?)

Not at All - 0 1 2 3 4 5 – Very Often

7) Did you discuss with parent/s what they need from the other parent to settle their dispute?

Not at All - 0 1 2 3 4 5 – Very Often

8) Did you brainstorm and offer alternative suggestions/solutions to parent/s?

Not at All - 0 1 2 3 4 5 – Very Often

9) Did you focus on the children’s needs and wishes regarding the issues in dispute?

Not at All - 0 1 2 3 4 5 – Very Often

10) Did you use metaphors (i.e. parenting relationship as a business) and problem-solving behaviours in other parts of their lives with the parent/s to help them move beyond the conflict?

Not at All - 0

1

2

3

4

5 – Very Often

QUESTIONNAIRE FOR PARENTS

FOCUSSED CHILD CUSTODY EVALUATION

- 1) Did the social worker discuss different approaches to problem solve for the future?
Not at All - 0 1 2 3 4 5 – Very Often
- 2) Did the social worker discuss the allegations/concerns that you have made against your partner?
Not at All - 0 1 2 3 4 5 – Very Often
- 3) Did the social worker discuss ideas on how you and your partner could resolve the dispute?
Not at All - 0 1 2 3 4 5 – Very Often
- 4) Did the social worker discuss what resources were available to you? (Prompt: financial, emotional and extended family)
Not at All - 0 1 2 3 4 5 – Very Often
- 5) Did the social worker explore with you what triggers your “buttons” and discuss how to refocus differently?
Not at All - 0 1 2 3 4 5 – Very Often
- 6) Did the social worker provide you with some information on the effects the conflict is having on your children?
Not at All - 0 1 2 3 4 5 – Very Often
- 7) Did the social worker ask you about what prevents you and your partner from settling this dispute?
Not at All - 0 1 2 3 4 5 – Very Often
- 8) Did you and the social worker discuss some possible solutions to settling this dispute?
Not at All - 0 1 2 3 4 5 – Very Often
- 9) Did the social worker focus on the children’s needs and wishes regarding the dispute?
Not at All - 0 1 2 3 4 5 – Very Often
- 10) Did the social worker use examples of ways to problem solve in other parts of your life to help move beyond the conflict?
Not at All - 0 1 2 3 4 5 – Very Often

QUESTIONNAIRE FOR PARENTS FIDELITY CHECK

TRADITIONAL CHILD CUSTODY EVALUATION

1) Did you discuss with the social worker your allegations regarding the other parent?

Not at All - 0 1 2 3 4 5 – Very Often

2) Did you discuss your personal and marital history with the social worker?

Not at All - 0 1 2 3 4 5 – Very Often

3) Did you discuss your current and past parenting arrangements with the social worker?

Not at All - 0 1 2 3 4 5 – Very Often

4) Did you discuss your child's past/current developmental history with the social worker?

Not at All - 0 1 2 3 4 5 – Very Often

5) Did the social worker collect professional and personal collateral sources for additional information from you?

Not at All - 0 1 2 3 4 5 – Very Often

6) Did the social worker ask you about the children's views and preferences?

Not at All - 0 1 2 3 4 5 – Very Often

7) Did the social worker explain that s/he will write a report to the court with recommendations about custody and/or access arrangements?

Not at All - 0 1 2 3 4 5 – Very Often

8) Did the social worker hear your concerns about the other parent without discussing other solutions to those problems?

Not at All - 0 1 2 3 4 5 – Very Often

9) Did the social worker observe you and the children in different environments (ie. home interviews)?

Not at All - 0 1 2 3 4 5 – Very Often

10) Did the social worker focus on what plans you had for providing for the children?

Not at All - 0 1 2 3 4 5 – Very Often

QUESTIONNAIRE FOR SOCIAL WORKER FIDELITY CHECK

TRADITIONAL CHILD CUSTODY EVALUATION

1) Did you address the allegations each parent made against one another?

Not at All - 0 1 2 3 4 5 – Very Often

2) Did you take the personal and marital history from each parent?

Not at All - 0 1 2 3 4 5 – Very Often

3) Did you discuss separation history (current and past parenting arrangements)?

Not at All - 0 1 2 3 4 5 – Very Often

4) Did you take a child development history?

Not at All - 0 1 2 3 4 5 – Very Often

5) Did you collect professional and personal collateral sources for additional information?

Not at All - 0 1 2 3 4 5 – Very Often

6) Did you ask each parent about their children's views and preferences?

Not at All - 0 1 2 3 4 5 – Very Often

7) Did you explain to parents that you will be providing a report to the court and make recommendations with respect to custody and/or access of their children?

Not at All - 0 1 2 3 4 5 – Very Often

8) Did you discuss solutions when concerns were raised by the parents?

Not at All - 0 1 2 3 4 5 – Very Often

9) Did you observe the children and parent in different environments (i.e. home visits)?

Not at All - 0 1 2 3 4 5 – Very Often

10) Did you focus on what plans each parent is providing for the future of their child?

Not at All - 0 1 2 3 4 5 – Very Often

APPENDIX 6: INFORMATION MANUAL

INFORMATION MANUAL

RESEARCH PROTOCOL FOR FOCUSED/TRADITIONAL ACCESS BASED EVALUATIONS

OFFICE OF THE CHILDREN'S LAWYER

FOCUSSED EVALUATION MODEL

An investigation limited to access based issues. This will involve limited activity based on the following criteria. This activity ranges from 10 to 15 hours of clinical intervention.

SELECTION CRITERIA—INCLUSION

1. Dispute centres on *scheduling problems*, e.g., there has been no access for a lengthy period; allegation of interference with access/relationship; impact of the parenting schedule on the children's well-being.
2. Dispute centres on *scheduling problems* and there are concerns about one parent that have been *dealt with or resolved in some manner* (e.g., drug and alcohol abuse and parent is in treatment, and/or parent has criminal convictions involving assault; CAS involvement and/or documented medical evidence and/or serious suspicion of abuse).
3. Where the dispute centres on *specific aspect(s) of parenting* (e.g., supervision by a parent, leaves the child with relatives during visits, meals, punitive parenting, denigration of other parent).
4. Where the dispute centres on *specific aspect(s) of the parent-child relationship* (e.g., discouraging a relationship between the child and the other parent, over-protectiveness and anxious attachment).

EXCLUSION CRITERIA

1. Concerns raised allege sexual abuse, or a pattern of physical abuse that warrant a full exploration of the concerns. Children's Aid Society is investigating physical and/or sexual abuse allegations.
2. Allegations of severe parental alienation (where the custodial parent is overtly and consistently influencing the child in rejecting the other parent and the child is mimicking the parents issues).
3. Mental health or behavioural concerns about the child or parent that warrant further exploration of the concerns.

PRACTICE MODEL GUIDELINES FOR THE FOCUSED INTERVENTION

- Questions and interventions are future-oriented. Exploration of past history is minimal. Does not include investigation and report of who caused the marriage breakdown. All exploration of the past should be limited and the questions should begin to explore how to solve the problem.
- A solution focussed approach involved examining the strengths of the family, their resources and motivating them to work toward a parenting plan for the children.
- Use of collateral sources to assist in the development of a parenting plan.
- Help the parties understand how their behaviour/conflict impacts on the children and what they can do to change it.
- Do not encourage cooperation where it is not feasible and help high conflict parents reorganize into parallel parenting with recommended structures.
- Following examination of possible arrangements, suggest a settlement meeting on possibilities for the family with their counsel (where appropriate).
- A focussed report will be filed which identifies the issues addressed in the report, the current situation, brief description of the parties and the children, discussion and conclusion. These reports would usually contain the recommendations (and options) discussed with the parties.

The main issue is to focus the evaluation for the parents and child to be more child-focussed/solution oriented.

1. Examine what prevents the parents from settling the dispute rather than focussing on the allegations made?
2. What is the relationship between the child and the parents? Have them each describe what they hope for of their child now that they are separated?
3. Explore what issues are creating an impasse? (i.e. unresolved feelings from the relationship, parenting characteristics)
4. How is the impasse affecting the child's relationship with the parent? Address this with the parents.
5. What are the strengths and resources available within the family (i.e. friends, relatives, their own) to help resolve the impasse.

This framework may be used in a combination of different types of interviews. For example, parents together, parents with the child together, individual interviews.

PROCESS

Includes 10 hours of direct service contact e.g.:

One individual meeting with each party (or joint meeting with parties)	3 hours
Meeting with children	1 hour
Meeting with children and parents (in some cases could be done at same time)	3 hours

Includes 5 hours of indirect service

Settlement meeting	2 hours
Collateral contacts, if necessary	2 hours
Report writing	3 hours

POSSIBLE QUESTIONS TO POSE FOR FOCUSED EVALUATION

1. Explain our role and what you will do and not do. (Focus on future and problem-solving). i.e. I have read all the court materials and now I would like you to tell me what is your understanding of the dispute? How does this dispute affect you?
2. What needs to change? What can you change to make it better for your child/ren?
3. If this dispute were over and everything was settled, what would you be doing with your time? How much time do you spend thinking about the dispute? Was there ever a time when you did not spend your time this way.
4. “Reframing the fight”: “You’re really good at this/this takes an awful lot of energy. What would you be doing with your energy if your weren’t putting it into this fight?” “If you gave up this ‘job’ (choose appropriate metaphor), what other job would you have?” may use “energy box” metaphor.

CHILDREN’S ISSUES/PARENT STRENGTHS

1. Describe your child/ren? What are the effects of the conflict on your child/ren? What do you think will happen to your child/ren if the fighting continues? (Outline literature regarding conflict on children). What do you think your child/ren thinks/feels about the fighting? If you were child how would you be feeling/seeing things? What do you think this means for your child (getting that feeling, perception of the situation)? If you were your child, what advice would you be giving your parents?
2. When have transfers worked well? Describe a situation when the transfers have worked well? What could you do to make it better?
3. If you and your partner did not fight when he/she picked up the children, how do you think the children might feel, act differently?
4. What are the other parent’s strengths?
5. What are your strengths? What would you like to add to your strengths as a parent? What would you like to change?
6. How have you and your partner resolved disputes in the past? How could you and your partner resolve this matter?
7. Assume the other parent does not change. What can you still do differently?

RE: PARENTAL RELATIONSHIP

Solution-Orientation

1. When have the two of you been able to work things out with respect to your child/ren?
2. What was different then? What helped then?
3. What were you able to do to contribute to this more positive situation?
4. What can you do so that he/she does not “push your buttons”? How can you react differently when he/she “pushes your buttons”?
5. What can you do to build trust between yourself and the other parent?
6. What would the other parent say about you if he/she were here?
7. How could this be resolved using each of your strengths as parents?

RE: CHILD

8. Tell me some solutions to this stalemate with the other parent that would be good for your child? There are a range of “good enough” solutions, so what other arrangements would meet the needs of your child/ren?
9. What can you do to protect your child/ren from the fighting?

OTHER TECHNIQUES FOR THE FOCUSED EVALUATION MODEL

1. Getting each parent(s) to explain the process of the assessment to the child in their own words.
2. Getting both parents, together, to participate in re-telling the child's developmental history.
3. Educating the parents about the negative effects of parental conflict on children.
4. Seeing the child very early on in the intervention in order to gain information that can be used to shift the parents into more productive, child-centred paths. Questions about parental conflict, and family relationships are particularly useful with the child rather than questions that lead children to specify preferences.
5. Use the information about the children's predicament and behaviour early on with the parents and curtail their need to detail their allegations and bad-mouth the other parent.
6. Use a questionnaire to gain more detailed marital and personal history if this is required.

POSSIBLE STEPS IN FOCUSSED EVALUATION

INTERVIEW #1

- with both mother/father or individually depending on situation and orienting parents to process
- explaining the process and our role (focus on problem-solving/future) i.e what do you think you are here for/I have read all this material, now tell me in your own words what the problem is? What is it doing to you?
- ask what needs to change/how will they change it to make it better for the child
- can give take-home exercises i.e. come back with an example of what the 2 of you resolved around your child
- use metaphor of other problem-solving in other areas of life
- have each parent describe child/parent relationship
- explain the effects of conflict on children's adjustment i.e. use this session as an orientation for education

INTERVIEW #2

- parent/child interview
- can get each parent to explain about what they are doing there/what is happening (seeing the child early on shifts the parents into problem-solving and more child-centred paths)
- have each describe their hopes for their child now separated
- child interview alone if necessary and if old enough
- contact school collateral if needed

INTERVIEW #3

- work out different plans/options
- work out problem scenarios for transfers

INTERVIEW #4

- disclosure/settlement meeting with both parties and lawyers

CHRONOLOGY OF INTERVIEWS

1. Parents together (where-ever possible)

Rules of Conduct—not useful to blame the other parent; tell me the situations from an “I” point of view; most important to focus on the needs of the child/ren, children need the stability of a parenting plan—avoid access/custody labels.

Learn about the child and situation from both of them—emphasis on what stops them from settling the dispute, when they were able to settle things before, etc., rather than allegations about either parent.

Educate the parents about effects of parental conflict on children, with particular emphasis on how negative effects of conflict are more important than moderate variations in parenting arrangements; education about how most parenting relationships are “parallel” in nature.

Use of metaphors to highlight messages—i.e., parenting relationship as a “business” relationship, being able to appropriately resolve conflicts as a “gift” to the child.

Learn about the effects on the child when they disagree.

2. Parent/Child/ren Dyads (Separate Conjoint Sessions or Family Together)

Introducing this to the child, get the parent to frame the context of the meeting for the child to see how this is done, get to know the child/ren, make observations of the parent/child interactions, may split up into separate meetings with the child/ren in order to ascertain their perceptions and/or views.

3. Children Alone (where necessary)

4. Parents Together Again

Use knowledge of the children to focus the parents on the children’s needs, “proven you can focus on the conflict, now need you to focus on your child”, highlight strengths in the parent-child relationships, exploring possible “good enough” solutions.

Social worker is simultaneously observing the parents’ ability to focus on the child’s needs and the quality parental decision-making.

*The social worker is very active in this model, constantly reframing and setting boundaries for the parents.

Other options: #1 and #2 may be reversed, i.e. a family interview or interviews with each parent and children separately may precede the joint parental interviews.

In some cases, the social worker may decide to proceed with individual interviews with the parents (as you would in a more traditional, comprehensive evaluation) before beginning the dyadic interviews. These are probably cases where one parent is initially resistant to meet with the other parent and/or is highly anxious or distressed.

TRADITIONAL CHILD CUSTODY EVALUATION

PRACTICE MODEL GUIDELINES

(see Children's Lawyer Manual for more information)

Provides a picture of the family and its conflicts. Identifies who are the parties, children, parent-child relationships, parent-child history, the issues in dispute (custody and/or access), who brought the dispute to the court, why, relevant marital history and court history. Also describes current living arrangements, current and past visitation arrangements, including schedule and nature of contacts and daycare/after school arrangements. Assesses the current conflict, both in terms of the issues and concerns identified by the parents in terms of the individual family members' levels of adjustment and functioning as well as the child's. Information is obtained from significant collateral sources and a report is written with the view to addressing how the parents are able to meet the needs of the children.

The overall evaluation ranges from 25 to 35 hours of social work intervention.

APPENDIX 7: CHILDREN'S LAWYER INTAKE FORM

I. GENERAL INFORMATION

Has the Office of the Children's Lawyer (previously the Official Guardian) ever been involved with you, the other party and/or your child(ren)? DD MM YY

Yes No If yes, when? ___/___/___

II. INFORMATION ABOUT YOURSELF

Name: Last First Date of Birth: DD MM YY

Place of Birth: Date of Arrival in Canada (if not born in Canada) DD MM YY

Address: No. Street City Province Postal Code

Telephone No. Home () Work: () Fax No. ()

Previous Name (if any): Last First

Lawyer's Name or contact person Last First Firm:

Address: No. Street City Province Postal Code

Telephone No. () Fax No. ()

Are you employed? Yes No What is your annual income? \$

If yes, Business Name:

Address: No. Street City Province Postal Code

III. INFORMATION ABOUT OTHER PARTY

Name: Last First Date of Birth: DD MM YY

Place of Birth: Date of Arrival in Canada (if not born in Canada) DD MM YY

Address: No. Street City Province Postal Code

Telephone No. Home () Work: () Fax No. ()

Previous Name (if any): Last First

Lawyer's Name or contact person Last First Firm:

Address: No. Street City Province Postal Code

Telephone No. () Fax No. ()

Is the other party employed? Yes No What is the annual income? \$

If yes, Business Name:

Address: No. Street City Province Postal Code

IV. SOME GENERAL QUESTIONS

-
1. May we telephone you at work? Yes No
-
2. I am: Mother Maternal Grandmother Paternal Grandmother Other (specify relationship with child(ren):
 Father Maternal Grandfather Paternal Grandfather
-
3. I am: Applicant/Petitioner Respondent/Defendant
-
4. I am asking the court to make one or more of the following order(s):
- sole custody of the child(ren)
 - joint and/or shared custody of the child(ren)
 - access to the child(ren) by _____
 - specified:

 - unspecified (e.g. generous and liberal access):
 - supervised access to the child(ren) by _____
 - no access to the child(ren) or termination of existing access by _____
 - an order that the other party be prevented from molesting, annoying or harassing me or the child(ren)
 - an order that the other party be restrained from removing the child(ren) from the jurisdiction
 - contempt order against other party(ies)
 - support for me
 - support for the child(ren)
 - variation of child support
 - termination of support arrears
 - exclusive possession of the matrimonial home
 - division of property
 - an assessment under s.30 of the *Children's Law Reform Act*
 - mediation under s.31 of the *Children's Law Reform Act*
 - costs
 - other (specify):
-
5. Has there been any previous court order(s) dealing with custody and/or access issues? Yes No
If yes, please attach a copy of the order(s).
-
6. Relationship Status (to the other party):
Date of Marriage or Relationship DD MM YY Date of Separation DD MM YY
(commencement) / / / / / /
Presently, are you and the other party residing in the same premises: Yes No
Separation Agreement: Yes (attach copy) No

V. INFORMATION ABOUT YOUR CHILD(REN)

Name of Child (Last Name)/(First Name)	Sex (M/F)	Date of Birth (DD/MM/YY)	Briefly describe the time this child spends with each parent/person involved, i.e. day time only, overnight, location, etc.	Does this child attend School		Does this child attend Daycare		Grade	Does this child have any special health/education needs?		
				Yes	No	Yes	No		Yes	No	
1.									Asthma	Yes	No
									Learning difficulties	Yes	No
									Bed wetting	Yes	No
									Does not eat	Yes	No
									Poor concentration in school	Yes	No
									Heart problems	Yes	No
									Allergies	Yes	No
									Other	Yes	No
2.									Asthma	Yes	No
									Learning difficulties	Yes	No
									Bed wetting	Yes	No
									Does not eat	Yes	No
									Poor concentration in school	Yes	No
									Heart problems	Yes	No
									Allergies	Yes	No
									Other	Yes	No
3.									Asthma	Yes	No
									Learning difficulties	Yes	No
									Bed wetting	Yes	No
									Does not eat	Yes	No
									Poor concentration in school	Yes	No
									Heart problems	Yes	No
									Allergies	Yes	No
									Other	Yes	No
4.									Asthma	Yes	No
									Learning difficulties	Yes	No
									Bed wetting	Yes	No
									Does not eat	Yes	No
									Poor concentration in school	Yes	No
									Heart problems	Yes	No
									Allergies	Yes	No
									Other	Yes	No

[Please attach a separate sheet if there are more children]

VI. OTHER IMPORTANT INFORMATION

1. a) ASSESSMENT

Is there an assessment being done or has an assessment been completed dealing with parenting issues and/or custody of and access to your children?

Yes No

If yes, by whom:

Name: Last

First

Address: No. Street

City

Province

Postal Code

Telephone No.

Fax No.

()

()

If assessment completed, attach copy.

b) MEDIATION

Is mediation being conducted or has mediation been completed?

Yes No

If yes, by whom:

Name: Last

First

Address: No. Street

City

Province

Postal Code

Telephone No.

Fax No.

()

()

Attach copy of mediation report if you have it

2. CHILDREN'S AID SOCIETY INVOLVEMENT

Has a Children's Aid Society ever been involved with your family?

No

Yes

Which Children's
Aid Society(ies)?

When: DD MM YY
/ /

What were the concerns?

- neglect
- physical abuse
- sexual abuse
- other (specify)

Is CAS still involved?

Yes

No

Do you agree that the CAS release information about yourself to use?

Yes

No

Was there a court proceeding?

Yes

No

Is it still going on?

Yes

No

What was the result of that proceeding? (specify):

3. VIOLENCE/ABUSE

a) Was there violence/abuse in your relationship with the other party?

No

Yes

If yes, how often did the child(ren) hear or see this violence/abuse?

Never

Sometimes

Often

b) Was there violence/abuse against your child(ren)?

No

Yes

VII. INFORMATION ABOUT HELPING YOUR CHILDREN

1. Describe your relationship with the other party. (Please print or write legibly)

2. Please tell us your concerns about custody of and access to your child(ren). (Please print or write legibly)

3. How do you think we can help your child(ren)? (Please print or write legibly)

The following information would be very useful in helping us to understand circumstances your child(ren) are coping with.

VIII. ADDITIONAL INFORMATION

1. Has a court ever made a restraining order against you or the other party? Yes No If yes, when: DD MM YY / /

Have you or the other party ever Signed a peace bond? Yes No If yes, when: DD MM YY / /

Is there any information about criminal charges that we should know about?

2. Is there any information about mental health issues that we should know about?

Depression Yes No

Manic depression Yes No

Crazy Yes No

Psychotic Yes No

Schizophrenic Yes No

Bi-polar Yes No

3. Is there any information about drug, alcohol or other substance abuse that we should know about?

Drugs Yes No

Alcohol Yes No

Other substances Yes No

IX. INFORMATION ABOUT THE COURT CASE

Where has the court action been brought?

Ontario Court (Provincial Division)

Court File No. _____

Ontario Court (General Division)

Court File No. _____

Ontario Court (General Division) Family Court

Court File No. _____

Address of Court:

No. Street

City

Province

Postal Code

Telephone No.

Fax No.

()

()

Next DD MM YY

Court date: / /

no fixed return date

Nature of next court proceeding

case conference

settlement conference

motion

pretrial

trial

other

Name of court proceeding: _____ v. _____

Applicant

Petitioner

Respondent

Defendant

X. USE THIS PAGE FOR ANY OTHER INFORMATION

I certify that I have reviewed the above information and that I believe it to be accurate.

Date

Signature of Party

[Please attach additional pages, as required, and fax this form (416-314-8050) to us or send by mail]